

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED  
At Albuquerque NMJAN 29 2016 *ml*MATTHEW J. DYKMAN  
CLERK

United States of America )

v.  
Lisa Ann Benally  
Year of Birth: 1979 )Loren Lloyd Wauneka  
Year of Birth: 1980 )

Case No.

16-MJ-349

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2, 2015 in the county of McKinley in the  
State and District of New Mexico, the defendant(s) violated:

## Code Section

## Offense Description

Title 18 U.S.C 1153

Crimes on Indian Reservation;

Title 18 U.S.C. § 922(g)

Possession or Receipt of Firearm, by a prohibited person;

N.M. Stat. Ann § 30-16-3 6 (A):

Burglary;

This criminal complaint is based on these facts:

See attached Affidavit.

Approved by SAUSA: Kyle Nayback

☒ Continued on the attached sheet.

Complainant's signature

Larry Etsitty, Sr., Senior Criminal Investigator

Printed name and title

Sworn to before me and signed in my presence.

Date:

January 29, 2016

City and state:

Albuquerque NM



Judge's signature

Printed name and title

Affidavit

I, the undersigned, being duly sworn, hereby depose and state as follows:

Your affiant, Larry Etsitty, Sr., a Senior Criminal Investigator of the Navajo Nation Department of Criminal Investigation (NDCI), has been employed in that capacity since January of 1984. Your affiant is currently assigned to Crownpoint Department of Criminal Investigations in the Crownpoint police district at Crownpoint, New Mexico and has primary responsibilities for any felony investigations on the Navajo Indian reservation including, homicides, aggravated assaults resulting serious bodily injuries, aggravated sexual assaults and not limited also to burglaries investigation.

On Wednesday November 25, 2015 Uniformed Patrol Sergeant requested some assistance regarding a rash of burglaries occurring around the surrounding Gallup, New Mexico, residences within the exterior boundaries of the Navajo Nation that consisted of jewelry, guns, computers along with monitors, laptops, televisions, iPods, cellular phones and traditional ceremony instruments.

The following information was communicated to me by other sworn law-enforcement officers regarding burglary was committed on John Doe, a 59-year-old, who resides on the exterior boundaries of the Navajo Nation, which is Indian Country in the District of New Mexico. The individuals involved are enrolled member of the Navajo Nation

Your Affiant was made aware that on Tuesday December 2, 2015 at approximately 2:38 P.M., the victim, John Doe, a sworn Law Enforcement Officer, claims that when he is getting off duty it is his practice that he does road check with his community as he was on his way home he saw an unfamiliar vehicle parked in front of his residence. He turns around and went to his house shortly thereafter upon closer view he saw three individuals at his residence two of which were standing outside the SUV, a white Ford Explorer. The other one individual was carrying out a flat screen TV from the house into the SUV, and John Doe realized that his home was being burglarized. John Doe identified Loren Lloyd Wauneka as the one who was carrying his TV into the SUV, when he was later captured by the New Mexico State Police that assisted with the investigation.

John Doe is an Officer with the New Mexico State Police, Motor Transportation Bureau, Gallup District in Gallup, New Mexico and had detained the two individuals that consisted of a one adult female and one male juvenile. The third and fourth individuals, consisted of two males, fled on foot however. The one carrying the TV was eventually caught by assisting agencies was identified as Loren Lloyd Wauneka. The other fourth male individual has not been identified. The two adults were identified, as Lisa Benally and Loren Lloyd Wauneka, hereafter, will be referred as subjects.

The 2007 Ford Explorer SUV, with black trimming on the bottom, has an Arizona License Plate BLE 8056; VIN: 1FMCU03137KA44817 was parked at Rural Address No. 34, Iyanbito Road Iyanbito, New Mexico. The vehicle is registered to Lisa Benally, inside the white SUV in plain view, were items such as a flat screen TV, jewelry, bags, computer laptops and two guns, in the brown gun case was a Marlin Model 60 Cal. .22 Long Rifle only with Serial Number 08327855 and green camouflage gun cases is Winchester 30-30 caliber rifle, Serial Number 2832259 along with other items that are considered as fruit of the crime, the vehicle was searched by officers pursuant to search warrant.

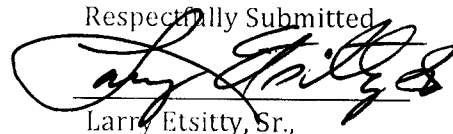
Upon checking these both individuals Lisa Benally and Loren Lloyd Wauneka backgrounds your affiant learned that they are convicted felony. Your Affiant has learned that Loren Lloyd Wauneka was convicted in Maricopa County in the state of Arizona, for Discharge of a Firearm in city limit date of the offense October 8, 2009 and the Court Disposition date: October 12, 2009. Aggravated Assaulted with a deadly weapon dangerous instrument occurred on March 10, 2010, Aggravated Driving under the influence, with suspended driver's license, occurred on April 14, 2011.

Lisa Benally was convicted in Maricopa County, in the State of Arizona for Escape in the second degree class 5 felony, occurred on April 11, 2006, judgment was on April 20, 2006; offense Possession of Dangerous drugs, a class 5 Felony occurred on November 09, 2006.

Based on the forgoing investigation, your affiant believes that evidence found inside the 2007 Ford SUV Explorer bearing Arizona license plate BLE 8056 that was recovered through a search warrant. John Doe, a sworn law enforcement officer, tells your affiant that

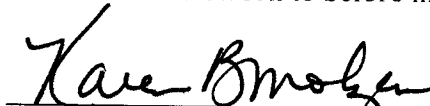
his guns were inside his house, those guns were found in the back of 2007 SUV, that was used in the commission of the crime of burglary is relevant to this investigation and aided in establishing probable cause for crimes of burglary and felon in possession in violation of Title 18 U.S.C. § 1153; Title 18 U.S.C. § 922(g) Possession or Receipt of Firearm, by a prohibited person and N.M. Stat. Ann § 30-16-3 6 (A): Burglary.

Respectfully Submitted



Larry Etsitty, Sr.,  
Senior Criminal Investigator  
Navajo Nation Department  
of Criminal Investigations

Subscribed and sworn to before me on January 29, 2016.

  
United States Magistrate Judge